IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9507 of 2004

Between:

1 Sri K. Balakrishna Reddy, S/o. Late Laxma Reddy,
R/o. Mogilgidda (Post), Shadnagar Taluk, Mahaboobnagar

District.
2 Sri S. Narayana Reddy, S/o. Chandra Reddy,
R/o. Mogilgidda (PO), Shadnagar Taluk, Mahabubnagar

District.
3 Sri. S. Muthyal Reddy, S/o. Ranga Reddy,
R/o. Ranghadham, Mogilgidda (PO), Farooq Nagar(M)

Mahabubnagar District.
4 K. Pentamma, W/o. Ram Reddy,
R/o. Mogilgidda (Post), Shadnagar Taluk, Mahaboobnagar

District.
5 Sri B. Sudershan Reddy, S/o. Late Pulla Reddy,
R/o. Mogilgidda (Post), Shadnagar Taluk, Mahaboobnagar

District.
6 S. Laxmamma, W/o. S. Narayana Reddy Late,
R/o. Rangampally, Mogilgidda (PO), Shadnagar (Tq)

Mahabubnagar District.

..... PETITIONERS

AND

1 The Commissioner, Endowments Department, Tilak Road,

Hyderabad.

2 The Assistant Commissioner of Endowments, Endowments

Department, Mahaboobnagar District.

3 Sri S.T.S. Raghavendra Chari, S/o. Rangacharyulu,
R/o. Mogilgidda (V), Farooqnagar (M),
Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly in the nature of Writ of Mandamus declaring the action of the 3rd respondent in auctioning the temple lands of Sri Ranganayaka Swamy Tempe, Rangadham, Mogilgidda Village, Farooqnagar Mandal, Mahabubnagar District on 14-6-2004, as illegal, arbitrary and opposed the principles of natural justice,

For Petitioner : MR.R.VIJAYANANDAN REDDY, Advocate

For the Respondent Nos.1 & 2 : GP FOR ENDOWMENTS

The Court at the admission stage made the Following ORDER:

This Writ Petition is filed by the petitioners, who are claiming to be the tenants of the temple lands aggrieved by the public auction notice dated 13.5.2004 issued by the 3rd respondent, who claims to be the member of the founder's family trust.

2. At the time of hearing, it is contended by the learned counsel for the petitioners and accepted by the learned Counsel for the Respondent No.3 that his recognition as member of the founder's family was suspended by this Court. But, however, according to the learned Counsel for the Respondent No.3, the Department can proceed against the petitioners and there is no hurdle. At the same time, the petitioners are claiming to be the landless poor and are opposing the public auction notice issued by the 3rd respondent on the ground that the 3rd respondent does not have the jurisdiction to issue such public auction notice.

3. Heard the learned counsel for the petitioners, the learned Government Pleader for Endowments, and the learned counsel for Respondent No.3, and considered the material on record.

4. As the status of the 3rd respondent is in dispute as to his entitlement to be in possession of the properties and to be in the management of the temple, in the absence of any specific provision in the A.P. Charitable and Hindu Religious

Institutions & Endowments Act, 1987, the 3rd respondent cannot proceed with the issue of auction notice as well as to conduct the auction of the leasehold rights of the properties of the temple. In addition the recognition granted by the Assistant Commissioner was suspended by this Court. Therefore, the Respondent No.3 is absolutely without jurisdiction to deal with the properties of the temple. Though it was not specifically claimed that the petitioners, who are the tenants are landless poor, but, however, it is open to the petitioners to make appropriate applications to the Assistant Commissioner of Endowments and if such applications are made, the Assistant Commissioner of Endowments is directed to consider them on merits and dispose of the same, expeditiously. If the petitioners choose to make such application, they are directed to submit the applications within a period of three weeks from the date of receipt of the copy of this order.

5. The Writ Petition is accordingly disposed of.

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S.Ananda Reddy, J.

Dt. 06.07.2004

Note:

Issue urgent copy.

(bo) Kvh

Sd/- ASSISTANT REGISTRAR

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To

1. The Commissioner, Endowments Department,

Tilak Road, Hyderabad.

2. The Assistant Commissioner,

Endowments Department,

Mahaboobnagar district.

3. Two CCs. To the G.P. for Endowments, High Court of A.P.,

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THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.P.No. 9507 of 2004

ORAL ORDER

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Sd/- XXX

..... REGISTRAR

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